

ADRIAN DENISE SMITH  
SMITH vs BANK OF AMERICA

May 18, 2017

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF ILLINOIS  
3 EASTERN DIVISION

4 ADRIAN SMITH, on behalf )  
5 of herself and all others )  
6 similarly situated, )  
7 Plaintiff, ) Case No.  
8 v. ) 1:17-cv-00286-ARW-SEC  
9 BANK OF AMERICA, N.A., BANK )  
10 OF AMERICA CORPORATION, and )  
11 ADECCO USA, INC., )  
12 Defendants. )

13 The deposition of ADRIAN DENISE SMITH,  
14 called for examination, taken pursuant to the  
15 Federal Rules of Civil Procedure of the United  
16 States District Courts pertaining to the taking of  
17 depositions, taken before CHERYL E. NICHOLSON, CSR  
18 No. 084-001932, a Notary Public within and for the  
19 County of DuPage, State of Illinois, and a  
20 Certified Shorthand Reporter of said state, at  
21 Stephan Zouras, LLP, 205 North Michigan Avenue,  
22 Suite 2560, Chicago, Illinois 60601, on Thursday,  
23 the 18th day of May, A.D. 2017, at 1:25 p.m. CDT.  
24



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1 PRESENT:

2 STEPHAN ZOURAS, LLP  
3 (205 North Michigan Avenue, Suite 2560  
4 Chicago, Illinois 60601) by:  
5 MS. CATHERINE T. MITCHELL  
6 ATTORNEY AT LAW  
7 T. 312-233-1550  
8 F. 312-233-1560  
9 cmitchell@stephanzouras.com

10 appeared on behalf of the Plaintiff,  
11 Adrian Smith;

12 MCGUIREWOODS LLP  
13 (77 West Wacker Drive, Suite 4100  
14 Chicago, Illinois 60601-1818) by:  
15 MR. BRIAN E. SPANG  
16 COUNSEL  
17 T. 312-750-3532  
18 F. 312-698-4562  
19 bspang@mcguirewoods.com

20 appeared on behalf of Defendants Bank of  
21 America, N.A., and Bank of America  
22 Corporation;

23 SMITH, GAMBRELL & RUSSELL, LLP  
24 (50 North Laura Street, Suite 2600  
Jacksonville, Florida 32202) by:  
MR. STEVEN E. BRUST  
MANAGING PARTNER  
T. 904-598-6104  
F. 904-598-6204  
sebrust@sgrlaw.com

appeared on behalf of Defendant Adecco  
USA, Inc.

REPORTED BY: CHERYL E. NICHOLSON, C.S.R.

CERTIFICATE NO. 084-001932

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1 (WHEREUPON, the witness was duly  
2 sworn or affirmed.)

3 THE WITNESS: I do.

4 ADRIAN DENISE SMITH,  
5 called as a witness herein, having been first duly  
6 sworn or affirmed, was examined and testified as  
7 follows:

8 DIRECT EXAMINATION

9 BY MR. BRUST:

10 Q. Good afternoon, Ms. Smith.

11 A. Hi.

12 Q. We just met a minute ago. My name is  
13 Steve Brust, and I'm with the law firm of Smith,  
14 Gambrell & Russell, and I represent the defendant  
15 Adecco USA, Inc. in this proceeding.

16 Would you tell us your full name for the  
17 record, please.

18 A. It's Adrian Smith.

19 Q. Where do you reside, Ms. Smith?

20 A. 1618 North Central Avenue, Chicago. Do  
21 you need the Zip code?

22 Q. No. That's enough.

23 A. Okay.

24 Q. Have you ever had your deposition taken

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1 that someone did this, so I'm absolutely not saying  
2 that, and I will not say that. The only thing that  
3 I can continue to tell you is that I have no memory  
4 of doing it.

5 Q. But you might have?

6 A. Sure. It's possible that I might have.  
7 I just have no memory of -- of typing in a  
8 signature. And it just would be unfair of me to  
9 say, "Oops. You did it," or, "Someone else did  
10 it," so I'm not doing that.

11 MR. BRUST: Those are all the questions I  
12 have.

13 MR. SPANG: Can I ask a question?

14 MS. MITCHELL: Sure.

15 CROSS-EXAMINATION

16 BY MR. SPANG:

17 Q. Ms. Smith, my name is Brian Spang. I'm  
18 one of the lawyers representing the Bank of  
19 America.

20 A. Oh. Hello.

21 Q. Just -- just a couple questions,  
22 hopefully, at most.

23 What's your understanding of the  
24 relationship between Adecco and Bank of America?

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1           A.       What's my understanding of the  
2 relationship? Um, I would be speculating that.  
3 So, what do I think the relationship is? Is that  
4 what you're asking me?

5           Q.       Sure. What do you think the  
6 relationship is?

7           A.       Um, that Bank of America is a client of  
8 Adecco.

9           MR. SPANG: That's my only question.

10          MS. MITCHELL: I have no further questions.

11          MR. BRUST: Let me go back to a subject. I'm  
12 sorry.

13                    Would you mark this as our next exhibit,  
14 please.

15                               (WHEREUPON, a certain document was  
16 marked Smith Deposition Exhibit  
17 No. 7, for identification, as of  
18 5-18-17.)

19          THE WITNESS: Thank you.

20                    DIRECT EXAMINATION - (Resumed)

21          BY MR. BRUST:

22           Q.       Do you recognize Exhibit 7, Ms. Smith?

23           A.       Yes, I remember seeing this.

24           Q.       Are these your answers to the